

7 – PUBLIC PROTECTION

Compilation Number	Ordinance Number	Subject
7-1	[Repealed]	
7-2	[Repealed]	
7-3	[Repealed]	
7-4	2084	Burglar Alarms

ORDINANCE NO. 2084

AN ORDINANCE PRESCRIBING THE METHODS AND PROCEDURE FOR REGULATING ALARM SYSTEMS IN THE CITY OF WOODBURN, PROVIDING FOR FEES, AND PENALTIES FOR VIOLATIONS THEREOF; AND REPEALING ORDINANCE NO. 1649.

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Title. This ordinance shall be known as "Alarm System Control Ordinance".

Section 2. Purpose, Construction and Scope.

(1) The occupants of numerous residential, commercial and industrial establishments within the corporate limits of the City of Woodburn have found it desirable to make provisions for the installation upon their premises, at their own cost and expense, of alarms systems for emergencies requiring police response.

(2) There is a growing number of private enterprises that have embarked upon the business of selling or leasing such alarm systems, entering into contract with such occupants for the installation, operation and maintenance of such alarm systems, and providing, either individually or in concert with other private business enterprises an alarm device or devices installed in various alarm monitoring centers. Likewise, there is a growing number of private enterprises that have embarked upon the business of selling such alarm systems where the installation is completed by the purchaser and/or the user.

(3) The proliferation of the number of private enterprises engaged in the distribution of alarm systems and the number of commercial and residential users of such systems has resulted in conditions that has led to an unnecessary drain on the personnel, time, space, facilities and finances of the City and its police services, and a deterioration of the quality of police service to the City's residents.

(4) The public interest, therefore, requires the enactment of rules, regulations, standards, and procedures to regulate and control the private alarm business within the corporate limits of the City of Woodburn for the following purposes:

(a) The Police Department may efficiently and economically coordinate their functions with the various alarm services to which the public within the City may subscribe;

(b) The quality of the alarms services rendered to the public may be improved and maintained at a high level;

(c) The excessive number of false alarms which require expenditure of police resources must be reduced so that those limited resources may be more efficiently utilized;

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(d) Those private enterprises engaged in the alarm business and persons who utilize alarm systems should help support the administration of the alarm system and where alarm users are responsible for an excessive number of false alarms, they should pay additional charges, which relate to the additional responses by the police and motivate alarms users to reduce the number of false alarms;

(e) Those alarm users who are responsible for excessive false alarms, and who fail or refuse to remedy the cause of excessive false alarms demonstrate their indifference to limited police resources being devoted to unnecessary emergency responses, and such users should be treated by punitive measures. By the time an alarm user's system has generated three false alarms within a year, the police response by way of notices will have provided the user with ample warning of the consequences and therefore it is presumed the alarm user has failed to take adequate steps to remedy the problem(s) and maintain the alarm system.

(5) The purpose of this ordinance is to encourage alarm users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarms systems to prevent unnecessary police emergency responses to false alarms and thereby protect the emergency response capability of the City from misuse.

(6) Except where otherwise expressly provided, this ordinance governs all alarm systems eliciting a police response, establishes fees and charges and provides for the enforcement of violations.

Section 3. Definitions.

For the purpose of this ordinance, the following definitions apply:

(1) Alarm Business. A person, firm, partnership, corporation, association or other legal entity, engaged in the profit-oriented selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing of any alarm system in or on any building, structure, facility or portion thereof.

(2) Alarm System. An assembly or equipment, mechanical or electrical, or both, designed and used to signal the occurrence of an illegal or unauthorized entry or attempted entry or other illegal activity on the premises of the alarm user, which requires or solicits urgent attention and to which the police are expected to respond.

(3) Alarm User. A person, firm, partnership, corporation, association or other legal entity in control of a building, structure, facility or portion thereof within the City of Woodburn wherein an alarm system is used.

(4) Automatic Dialing Device. A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and to transmit by voice message or code signal an emergency message indicating a need for emergency response. An automatic dialing device is an alarm system.

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(5) Excessive False Alarm. A false alarm which occurs following three previous false alarms within one year.

(6) False Alarm. Signal or activation by an alarm system which elicits a response by the Police Department when a situation requiring a response by the police does not in fact exist. False alarms do not include an alarm signal by an alarm system, which is caused by violent and extraordinary conditions of nature or other extraordinary circumstances not reasonably anticipated or subject to control by the alarm business operator or the alarm user.

(7) Governmental Political Unit. Any tax supported public agency.

(8) Interconnect. To connect an alarm system including an automatic dialing device to a telephone line either directly or through a mechanical device that utilizes a telephone for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

(9) Municipal Court. The Woodburn Municipal Court.

(10) Monitoring Center. A facility used to receive emergency and general information from an alarm user and to direct an emergency response.

(11) Police Chief. The police chief of Woodburn, Oregon or his designee.

(12) Police Department. The Woodburn Police Department.

Section 4. User Instructions. Every alarm business, which operates as such on behalf of alarm users within the City shall furnish the user with instructions which enable the user to operate the alarm system properly without false alarms and to obtain service for the alarm system.

Section 5. Automatic Dialing Device. Certain Interconnection Prohibited.

(1) It is unlawful for any person to program an automatic dialing device to select a primary trunk line or any 911 trunk line, capable of signaling a need for police response; and it is unlawful for an alarms user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line upon receipt of notice from the Police Chief, directing that such disconnection or reprogramming occur.

(2) It is unlawful for any person to program an automatic dialing device which selects any telephone line assigned to the City of Woodburn; and it is unlawful for an alarm user to fail to disconnect or reprogram such a device upon receipt of notice from the Police Chief that such automated dialing device should be disconnected or reprogrammed.

(3) The City of Woodburn and other governmental providers of emergency and critical municipal services, including but not limited to water, sewer, and streets are exempt from the provisions of this section.

Section 6. False Alarms, Hearing, Determination.

(1) An alarm user, whose alarm system has three or more false alarms within a year shall be subject to a charge for excessive false alarms in an amount of \$15.00. Excessive false alarm charges shall be paid by the alarm user notwithstanding an agreement or claim of liability which holds an alarm business responsible for such charges. Excessive false alarm charges shall be established in an amount designed to encourage correction in an alarm system or in the operation of an alarm system, to discourage false alarms and to reimburse the City for the use of its police resources.

(2) After each of the first three false alarms during a year, the Police Chief shall send by regular mail a notice of false alarm to the alarm user and the alarm business. The notice shall advise the alarm user and the alarm business of the date and time of the false alarm and the specific number of false alarms recorded by the coordinator for the alarm system during the current year. The notice shall also advise that upon the occurrence of a fourth false alarm during the year, the alarm user will be charged a fee for each excessive false alarm.

(3) If the Police Department responds to a third false alarm during the year, the Police Chief shall forward a notice by certified mail return receipt requested to the alarm business stating that the Police Department has responded to three (3) false alarms at the address where the alarm system is located. This notice shall also advise that the occurrence of any additional false alarms at the address where the alarm system is located during the year will result in a fee to the user for excessive false alarms.

(4) The Police Chief shall prescribe the form of the notices to be used in this section. For purposes of determining which form of mailing and notice to use, any alleged false alarm, which is disputed as provided in this section and for which a final determination has not been made, shall be treated as having occurred. The Police Chief shall insure that adequate records of notices being sent to alarm users and alarm businesses are maintained by the Police Department. Failure of a person to receive a notice shall not invalidate any proceeding in connection with a false alarm or in the imposition of additional charges.

(5) An alarm user or alarm business who is aggrieved by the determination that a particular false alarm has occurred may request a hearing. The request shall be made in writing and filed with the Police Chief and the Municipal Court within ten (10) days of the date on which the alarm user is sent the notification of false alarm for which a hearing is requested. Unless a request for a hearing is made in accordance with this section, an alarm user shall have waived any right to challenge the decision whether a particular false alarm occurred and the false alarm shall thereafter be treated as having occurred on the date and time alleged. If a hearing is requested in accordance with this subsection, the Municipal Court shall notify by regular mail the person requesting the hearing of the time and place of the hearing.

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(6) Every hearing to determine whether a false alarm has occurred shall be held before the Municipal Court without a jury. The court may in the interest of justice consolidate hearings which involve the same alarm user or alarm system and false alarms within the same year. The person requesting the hearing may be represented by counsel, but counsel shall not be provided at public expense. If counsel is to appear, written notice shall be provided to the Municipal Court and Police Chief not less than five (5) business days prior to the hearing date. The Police Chief, or the City's designated representative and the person requesting the hearing shall have the right to present written and oral evidence. Oral testimony shall be taken only on oath or affirmation and shall be subject to the right of cross-examination. If the person requesting a hearing wishes that witnesses be ordered to testify, they must request the court to order the desired witness subpoenaed, which request shall be at least five (5) business days prior to the scheduled hearing. A deposit for each witness shall accompany the request and such deposit shall be refunded, if it is determined the alleged false alarm did not occur. The deposit for subpoenas shall be in an amount equal to witness fees provided by statute in other courts of this State. At the hearing, any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs. However, irrelevant and unduly repetitious evidence shall be excluded. The City shall have the burden of proving that a false alarm occurred by a preponderance of the evidence. Within thirty days after the hearing, the Municipal Court shall determine whether the alleged false alarm has occurred and shall so advise the parties. The decision of the Municipal Court is final.

Section 7. Confidentiality, Statistics.

(1) Except as otherwise required by law, if an alarm user requests that information submitted by the user as part of an application be kept in confidence, such information shall be held in confidence and shall be deemed a public record exempt from disclosure under Oregon law. The Police Department shall be responsible for maintenance of records created under this ordinance.

(2) Notwithstanding the requirements of subsection (1) the Police Department shall develop and maintain statistics for purposes of evaluating alarm systems.

Section 8. Allocation of Revenues. All fees and charges collected pursuant to this ordinance shall be deposited in the general fund in the City of Woodburn, and are nonrefundable.

Section 9. Duty to Maintain Alarm System.

(1) It shall be the duty of an alarm user to maintain its alarm system in good operating condition and free of false alarms.

(2) An alarm user whose alarm system generates four or more false alarms within a year violates this ordinance.

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Section 10. Civil Infraction in Addition to Fee.

In addition to any fees assessed pursuant to this ordinance, a violation of the provisions of this ordinance constitutes a class 4 civil infraction, punishable in accordance with Ordinance 1988 of the City of Woodburn. Every date that a violation is found to exist constitutes a separate civil infraction.

Section 11. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance or of any resolution adopted hereunder is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining provisions of this ordinance or any resolution adopted hereunder.

Section 12. Repeal. Ordinance No. 1649 is hereby repealed.

Passed by the Council May 26, 1992, approved by the Mayor May 27, 1992.

